

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Ragnar TRYGGVASON et al.)	Group Art Unit: 1797
)	
Application No.: 10/552,631)	Examiner: Benjamin M. Kurtz
)	
Filed: October 7, 2005)	
)	
For: A DEVICE FOR USE IN A)	Confirmation No.: 8991
CARTRIDGE, AND A CARTRIDGE)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated June 12, 2008, the Examiner required
restriction under 35 U.S.C. § 121 between

- Group I - Claims 1-25, allegedly drawn to a device and a cartridge;
- Group II - Claims 26-29, allegedly drawn to a use of a device in a cartridge;
- Group III - Claims 30-35, allegedly drawn to a system for preparing a liquid solution for a medical procedure

Applicant provisionally elects, with traverse, to prosecute Group I, claims 1-25,
allegedly drawn to a device and a cartridge.

In the Office Action, the Examiner asserted that the inventions identified in
Groups I -III "do not relate to a single general inventive concept under PCT Rule 13.1
because, under PCT Rule 13.2, they lack the same or corresponding special technical
features for the following reasons: The common technical feature to groups I-III is the

device of claim 1. The device of claim one is known in the prior art to Kahana US 5 637 204¹. Therefore, there is no common special technical feature linking the claims, forming a general inventive concept." (Office Action at 2.) Applicant respectfully disagrees. Under 37 C.F.R. § 1.475, which governs national stage applications, Groups I-III are one unitary invention. 37 C.F.R. § 1.475 states that:

(a) An international and a national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention"). Where a group of inventions is claimed in an application, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

(b) An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:

- (1) A product and a process specially adapted for the manufacture of said product; or
- (2) A product and process of use of said product; or
- (3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product; or
- (4) A process and an apparatus or means specifically designed for carrying out the said process; or
- (5) A product, a process specially adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the said process.

¹ U.S. Patent No. 5,637,204 does not list Kahana as an inventor. Applicant contends that the patent number listed is incorrect. For the purpose of responding to this Office Action, however, Applicant assumes that the Examiner intended to cite U.S. Patent No. 5,637,214, which lists Kahana as the inventor.

(Emphasis added.)

Accordingly, because the apparatus identified in Group I is an apparatus and Groups II and III are a use and a system using the apparatus of Group I, and the apparatus of Group I is designed to enable the system of Group III to carry out a particular process, these groups of inventions have unity of invention and should be prosecuted in the same application. Thus, for at least this reason, Applicant respectfully asks the Examiner to withdraw the restriction requirement and to allow prosecution of Groups I-III in this application.

Moreover, Applicant disagrees that the prior art reference cited by the Examiner (U.S. Patent No. 5,637,214 to Kahana) discloses or suggests at least a device for use in a cartridge for preparing a liquid for a medical procedure as recited in the claimed invention. Rather, Kahana discloses a filter assembly adapted to be used in a water treatment apparatus for removing impurities from tap water. (Kahana, Abstract) Thus, for at least this reason, Groups I-III share a special technical feature that defines a contribution over the prior art.

Accordingly, for at least the reasons discussed above, Applicant respectfully requests that the Examiner withdraw the restriction requirement and allow Applicant to prosecute Groups I-III, including claims 1-35, in this application.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 28, 2008

By: /Aaron L. Parker/
Aaron L. Parker
Reg. No. 50,785